IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT APPEAL NO : 1632 of 2004

Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/06/2004 in WP NO : 1865 OF 1998 on the file of the High Court.

Between:

The Executive Engineer, S.R.S.P.Division No.2, Pochampad.

..... APPELLANT

AND

1 T.Tirupathi, s/o Bhoomaiah,
c/o 2-2-1137/B/1, New Nallakunta, Hyderabad-44.
2 The Presiding Officer, Labour Court, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: GP FOR IRRIGATION & COMM AREA DEV.

Counsel for respondent No.1: Mr. B.G.Ravindra Reddy

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following:

ORDER:(PER THE HON'BLE SRI JUSTICE J.CHELAMESWAR)

Aggrieved by an order of a learned single Judge in W.P.No.1865 of 1998, dated 2929.06.2004, the unsuccessful petitioner filed this writ appeal.

2. The respondent was appointed on 20.05.1981 as a man majdoor. Alleging that he was removed from service by the appellant herein by an order dated 31.10.1987, the respondent raised an industrial dispute in I.D.No.807 of 1992 before the Labour Court at Hyderabad. By an award dated 04.09.1996, the labour Court directed the reinstatement of the respondent herein into service with all benefits like continuity of service with only 50% of the back wages from the date of the said petition. Challenging the said award, the appellant herein filed the above mentioned writ petition, but was unsuccessful. Hence, the Writ Appeal.

3. The learned single Judge recorded a categorical finding that the termination of the petitioner is contrary to Section 25 (F) of the Industrial Disputes Act.

4. The learned Government Pleader submits that according to the records of the appellant, the respondent was never appointed by him. However, this submission cannot be accepted at this stage, because the respondent produced Ex.W.1 Xerox copy of his service certificate. The learned Government Pleader argued that as the document is not admissible according to the record of the Government, such a document does not exist. Unfortunately, such an objection was not raised when the abovementioned

document was sought to be marked before the Tribunal.

5. In the circumstances, we do not see any reason to interfere with the order under appeal. The writ appeal is merit less and it is accordingly dismissed at the admission stage. No order as to costs.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 01st November, 2004.

YCR/MRK

To

1. The Presiding Officer, Labour Court, Hyderabad.

2. 2 C.Cs G.P. for Irrigation and Command Area development, High

Court Buildings, Hyderabad. (OUT)

3. 2 C.Cs to G.P for Labour, High Court Buildings, Hyderabad. (OUT)

4. 2 C.D. copies.